

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION

---

In Re:

**Kevin Webb And Stacey Mangum, nee  
Webb**

Case No. 09-80744  
Chapter 13

Social Security No. xxx-xx-3286 and xxx-xx-2714  
Male Debtor Address: 5818 Tomahawk Trail, Durham, NC 27712-  
Female Debtor Address: 6 Dawson Court, Durham NC 27703

---

Debtors

---

**MOTION TO MODIFY PLAN**

**NOW COME the Debtors**, by and through counsel undersigned, who move, under authority of 11 U.S.C. § 1329, to modify the Chapter 13 plan in this case, and in support hereof, the Debtors show unto this Court the following:

1. This case was filed on May 6, 2009, with the Chapter 13 plan being subsequently confirmed on September 22, 2009.
2. The Debtors propose to modify the Chapter 13 plan in this case in the following respects:  
  
From:           \$2,559.00 per month.  
  
To:             \$2,559.00 per month through April 2011, followed thereafter by \$1,612.00 per month, starting in June 2011.
3. The changed circumstances that justify the proposed modification are as follows:
  - a. The Debtors separated after filing bankruptcy and divorced in 2010.
  - b. The Female Debtor has since remarried and is now Stacey Mangum.
  - c. Accordingly, the Debtors are maintaining separate households.
  - d. Mrs. Webb changed employment in November 2010, with as loss of income as indicated on the attached amended schedules.
4. An Amended Schedule I for the Debtors is attached hereto and is incorporated hereto by reference.
5. An Amended Schedule J for the Debtors is attached hereto and is incorporated by reference.
6. The proposed modification conforms to the standards of confirmation set out in 11 U.S.C. §§ 1322 and 1325. This modification is feasible because of the following changes, as detailed on the attached Chapter 13 Worksheet:

- a. Change in dividend to unsecured creditors.

**Appended Application for an Additional Attorney Fee**

7. Counsel for the Debtors further applies herein, in accordance with Bankruptcy Rule 2016(b), for approval an attorney fee in the amount of \$250.00 to pay for the reasonable value of the services rendered, and to be rendered, with respect to this motion to modify.

WHEREFORE, the Debtors pray that this Court grant their Motion, and modify the Chapter 13 plan accordingly. In addition, counsel undersigned requests that this Court approve a fee in the amount of \$250.00 to compensate undersigned for the services rendered or to be rendered with respect to this motion, said fee to be paid by the Chapter 13 Trustee as an administrative claim in this case.

Dated: May 4, 2011

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s Edward C. Boltz

Edward C. Boltz

North Carolina State Bar No.: 23003

6616-203 Six Forks Road

Raleigh, N.C. 27615

(919) 847-9750

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION

---

In Re:

**Kevin Webb And Stacey Webb**

Case No. 09-80744

Chapter 13

Social Security No. xxx-xx-3286 and xxx-xx-2714

Male Debtor Address: 5818 Tomahawk Trail, Durham, NC 27712-

Female Debtor Address: 6 Dawson Court, Durham NC 27703

Debtors

---

**CERTIFICATE OF SERVICE**

I, Patty Cherigo, certify under penalty of perjury that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age and that on May 4, 2011, I served copies of the foregoing **MOTION TO MODIFY PLAN** electronically, or when unavailable, by regular first-class U.S. mail, addressed to the following parties:

Richard M. Hutson, II  
Chapter 13 Trustee  
Michael West  
U.S. Bankruptcy Administrator

Kevin Webb  
5818 Tomahawk Trail,  
Durham, NC 27712-

Stacey Mangum  
6 Dawson Court  
Durham NC 27703

All creditors with duly filed claims as listed on the attached Report of Claims Filed at the addresses listed thereon.

/s Patty Cherigo  
Patty Cherigo

# CH. 13 PLAN - DEBTS SHEET (MIDDLE DISTRICT - STEP PLAN)

Date: 4/28/11

Lastname-SS#: Webb-3286 MTM

## RETAIN COLLATERAL & PAY DIRECT EQUISIDE PLAN

Creditor Name	Sch D #	Description of Collateral

## SURRENDER COLLATERAL

Creditor Name	Description of Collateral

## ARREARAGE CLAIMS ON RETAINED COLLATERAL

Creditor Name	Sch D #	Arrearage Amount
SECU		\$2,509

## REJECTED EXECUTORY CONTRACTS/LEASES

Creditor Name	Description of Collateral

## LTD - DOJ on PRINCIPAL RESIDENCE - OTHER REAL PROPERTY

Creditor Name	Sch D #	Mortgage Payment	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
SECU		\$1,146	n/a	n/a	\$1,146	
			n/a	n/a		
			n/a	n/a		

## STD - SECURED DEBTS (Retain Collateral & Pay FMV Of Collateral)

Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
			7.00			
			7.00			
			7.00			
			7.00			

## STD - SECURED DEBTS & 910 CLAIMS (Pay 100%)

Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
Ford Motor Credit		\$9,239	5.25	\$92	\$247	06 Ford
			7.00			
			7.00			
			7.00			
			7.00			

## ATTORNEY FEES (Unpaid Part)

Law Offices of John T. Orcutt, P.C.	Amount
-------------------------------------	--------

\$250

## SECURED TAXES

IRS Tax Liens	Secured Amount
---------------	----------------

Real Property Taxes on Retained Realty

UNSECURED PRIORITY DEBTS	Amount
--------------------------	--------

IRS Taxes \$3,076

State Taxes

Personal Property Taxes

Alimony or Child Support Arrearage

COSIGN PROTECT (Pay 100%)	Int. Rate	Payoff Amount
---------------------------	-----------	---------------

All 'Co-Sign Protect Debts (See\*\*\*)

GENERAL NON-PRIORITY UNSECURED	Amount to Pay
--------------------------------	---------------

DMI = None(\$0)

## PROPOSED CHAPTER 13 PLAN

\$ 1612 /month for 41 months, then

\$ N/A /month for N/A months.\*\*

## Definitions

Sch D # = The number of the secured debt as listed on Schedule D.

Adequate Protection = Required monthly 'Adequate Protection' payment.

\* = Minimum of DMI x ACP, minus all co-sign protect debt.

\*\* = Plan duration is subject to "Duration of Chapter 13 Plan" provision.

\*\*\* Co-sign protect on all debts so designated on filed schedules D, E and F

Final MD Step (rev. 11/6/07) © Copyright by John T. Orcutt (Page 4 of 4)

## Other Miscellaneous Provisions

In re **Kevin Donald Webb**  
**Stacey High Webb**Case No. **09-80744**

Debtor(s)

**SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S) - AMENDED**

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status:  <b>Divorced</b>	DEPENDENTS OF DEBTOR AND SPOUSE	
	RELATIONSHIP(S): <b>Daughter</b> <b>Daughter</b>	AGE(S): <b>17</b> <b>20</b>
DEBTOR		SPOUSE
Employment:	<b>Disabled</b>	<b>Clinical Trial Coordinator</b>
Occupation	<b>Disabled</b>	<b>Duke Clinic Research Institute</b>
Name of Employer	<b>Since 12/1/07</b>	<b>5 months</b>
How long employed	<b>2400 Pratt Street.</b>	<b>Durham, NC 27705</b>
Address of Employer		

INCOME: (Estimate of average or projected monthly income at time case filed)

1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)
2. Estimate monthly overtime

DEBTOR	SPOUSE
\$ <u>0.00</u>	\$ <u>5,166.67</u>
\$ <u>0.00</u>	\$ <u>0.00</u>

## 3. SUBTOTAL

\$ <u>0.00</u>	\$ <u>5,166.67</u>
----------------	--------------------

## 4. LESS PAYROLL DEDUCTIONS

- a. Payroll taxes and social security
- b. Insurance
- c. Union dues
- d. Other (Specify): \_\_\_\_\_

\$ <u>0.00</u>	\$ <u>1,018.27</u>
\$ <u>0.00</u>	\$ <u>565.67</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>

## 5. SUBTOTAL OF PAYROLL DEDUCTIONS

\$ <u>0.00</u>	\$ <u>1,583.94</u>
----------------	--------------------

## 6. TOTAL NET MONTHLY TAKE HOME PAY

\$ <u>0.00</u>	\$ <u>3,582.73</u>
----------------	--------------------

7. Regular income from operation of business or profession or farm (Attach detailed statement)
8. Income from real property
9. Interest and dividends
10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above
11. Social security or government assistance (Specify): **Social Security**
12. Pension or retirement income
13. Other monthly income (Specify): **Non-Filing Spouse (take home)**

\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>950.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>1,836.48</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>2,095.23</u>
\$ <u>0.00</u>	\$ <u>0.00</u>

## 14. SUBTOTAL OF LINES 7 THROUGH 13

\$ <u>2,786.48</u>	\$ <u>2,095.23</u>
--------------------	--------------------

## 15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)

\$ <u>2,786.48</u>	\$ <u>5,677.96</u>
--------------------	--------------------

## 16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15)

\$ <u>8,464.44</u>
--------------------

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

**None Anticipated**

In re **Kevin Donald Webb**  
**Stacey High Webb**

Debtor(s)

Case No. **09-80744****SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) -  
AMENDED**

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

■ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home)		\$ <u>0.00</u>
a. Are real estate taxes included?	Yes <u>X</u> No <u>    </u>	
b. Is property insurance included?	Yes <u>X</u> No <u>    </u>	
2. Utilities:		\$ <u>250.00</u>
a. Electricity and heating fuel		\$ <u>10.00</u>
b. Water and sewer		\$ <u>0.00</u>
c. Telephone		\$ <u>200.00</u>
d. Other <u>Cablevision</u>		\$ <u>100.00</u>
3. Home maintenance (repairs and upkeep)		\$ <u>300.00</u>
4. Food		\$ <u>77.44</u>
5. Clothing		\$ <u>0.00</u>
6. Laundry and dry cleaning		\$ <u>50.00</u>
7. Medical and dental expenses		\$ <u>100.00</u>
8. Transportation (not including car payments)		\$ <u>100.00</u>
9. Recreation, clubs and entertainment, newspapers, magazines, etc.		\$ <u>15.00</u>
10. Charitable contributions		
11. Insurance (not deducted from wages or included in home mortgage payments)		\$ <u>0.00</u>
a. Homeowner's or renter's		\$ <u>0.00</u>
b. Life		\$ <u>30.00</u>
c. Health		\$ <u>50.00</u>
d. Auto		\$ <u>0.00</u>
e. Other <u>    </u>		\$ <u>    </u>
12. Taxes (not deducted from wages or included in home mortgage payments)		\$ <u>250.00</u>
(Specify) <u>Personal Property Taxes</u>		
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)		\$ <u>0.00</u>
a. Auto		\$ <u>0.00</u>
b. Other <u>    </u>		\$ <u>0.00</u>
c. Other <u>    </u>		\$ <u>0.00</u>
14. Alimony, maintenance, and support paid to others		\$ <u>0.00</u>
15. Payments for support of additional dependents not living at your home		\$ <u>0.00</u>
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)		\$ <u>160.00</u>
17. Other <u>See Detailed Expense Attachment</u>		
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)		\$ <u>1,692.44</u>
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:		
<u>None Anticipated</u>		
20. STATEMENT OF MONTHLY NET INCOME		
a. Average monthly income from Line 15 of Schedule I		\$ <u>8,464.44</u>
b. Average monthly expenses from Line 18 above		\$ <u>8,464.44</u>
c. Monthly net income (a. minus b.)		\$ <u>0.00</u>

Debtor(s)

**SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) -  
AMENDED**

(Spouse's Schedule)

- |  |                              |  |             |
|--|------------------------------|--|-------------|
| 1. Rent or home mortgage payment (include lot rented for mobile home)  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | \$ 1,625.00 |
| a. Are real estate taxes included?   | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |             |
| b. Is property insurance included?   | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |             |
| 2. Utilities:  |                              |  | \$ 250.00   |
| a. Electricity and heating fuel  |                              |  | \$ 60.00    |
| b. Water and sewer   |                              |  | \$ 0.00     |
| c. Telephone   |                              |  | \$ 400.00   |
| d. Other <b>See Spouse Detailed Expense Attachment</b>   |                              |  | \$ 0.00     |
| 3. Home maintenance (repairs and upkeep)   |                              |  | \$ 760.00   |
| 4. Food  |                              |  | \$ 100.00   |
| 5. Clothing  |                              |  | \$ 0.00     |
| 6. Laundry and dry cleaning  |                              |  | \$ 20.00    |
| 7. Medical and dental expenses   |                              |  | \$ 240.00   |
| 8. Transportation (not including car payments)   |                              |  | \$ 40.00    |
| 9. Recreation, clubs and entertainment, newspapers, magazines, etc.  |                              |  | \$ 0.00     |
| 10. Charitable contributions   |                              |  | \$ 0.00     |
| 11. Insurance (not deducted from wages or included in home mortgage payments)  |                              |  | \$ 0.00     |
| a. Homeowner's or renter's   |                              |  | \$ 0.00     |
| b. Life  |                              |  | \$ 0.00     |
| c. Health  |                              |  | \$ 170.00   |
| d. Auto  |                              |  | \$ 0.00     |
| e. Other   |                              |  | \$ 0.00     |
| 12. Taxes (not deducted from wages or included in home mortgage payments)  |                              |  | \$ 175.00   |
| (Specify) <b>Personal Property Taxes</b>   |                              |  |             |
| 13. Installment payments: (In chapter 12 and 13 cases, do not list payments to be included in the plan.)   |                              |  | \$ 380.00   |
| a. Auto  |                              |  | \$ 0.00     |
| b. Other   |                              |  | \$ 0.00     |
| c. Other   |                              |  | \$ 0.00     |
| 14. Alimony, maintenance, and support paid to others   |                              |  | \$ 0.00     |
| 15. Payments for support of additional dependents not living at your home  |                              |  | \$ 0.00     |
| 16. Regular expenses from operation of business, profession, or farm (attach detailed statement)   |                              |  | \$ 0.00     |
| 17. Other <b>See Spouse Detailed Expense Attachment</b>  |                              |  | \$ 2,552.00 |
| 18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.) |                              |  | \$ 6,772.00 |
| 19. Describe any increase or decrease in expenditures anticipated to occur within the year following the filing of this document:  |                              |  |             |

In re **Kevin Donald Webb**  
**Stacey High Webb**Case No. **09-80744**

Debtor(s)

**SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) - AMENDED**  
**Detailed Expense Attachment****Other Expenditures:**

<b>Personal Grooming</b>	\$	<b>50.00</b>
<b>Emergencies/Miscellaneous</b>	\$	<b>50.00</b>
<b>Pet Expenses</b>	\$	<b>60.00</b>
<b>Total Other Expenditures</b>	\$	<b>160.00</b>



In re **Kevin Donald Webb**  
**Stacey High Webb**

Debtor(s)

Case No. **09-80744****SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) - AMENDED**  
**Spouse Detailed Expense Attachment****Other Utility Expenditures:**

Cell Phone	\$	150.00
Cable	\$	250.00
<b>Total Other Utility Expenditures</b>	<b>\$</b>	<b>400.00</b>

**Other Expenditures:**

Pet Expenses	\$	40.00
Personal Grooming	\$	50.00
Emergency/Miscellaneous	\$	100.00
Child Care	\$	710.00
School Activities	\$	40.00
Chapter 13 Plan Payment	\$	1,612.00
<b>Total Other Expenditures</b>	<b>\$</b>	<b>2,552.00</b>